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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,765	11/03/2005	Hartmut Meier	2380.0010000	5840

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EXAMINER

PHAM, MINH CHAU THI

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

07/01/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/529,765

**Applicant(s)**

MEIER ET AL.

**Examiner**

MINH-CHAU T. PHAM

**Art Unit**

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 7-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 7-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Arya et al (5,833,888).

Arya et al teach a cleaning device (10) for process gases that is configured to generate clean process gas from contaminated gas (col. 1, lines 7-11) comprising a cleaning chamber (36, col. 4, lines 40-57) including a cleaning liquid (70) configured to clean the contaminated process gas, the cleaning chamber (36) allowing the contaminated process gas to flow therein via a supply line and allowing the cleaned process gas to flow therefrom via a discharge line (col. 6, lines 7-10), and a plurality of deposition walls (see 24 & 28 in Fig.1) having a surface, the surface being configured to receive a film (56) of the cleaning liquid and being configured to be on the inner surface of an outer wall (24 & 28) of the cleaning device (see also Fig. 1, col. 3, line 23 through col. 4, line 11, col. 6, lines 34-54 and line 61 through col. 7, line 8).

***Response to Arguments***

Applicant's arguments filed on March 30, 2009 have been fully considered but they are not persuasive.

Applicant argues that the cited reference "Dautenhahn does not teach a cleaning liquid and a deposition wall having a surface, the surface being configured to receive a

film of the cleaning liquid and being configured to be an outer wall of the cleaning device, as stated in claim 1" and further argues that "Dautenhahn does not teach a plurality of separate deposition walls each having a surface, the surface being configured to receive a film of a cleaning liquid that is configured to clean a contaminated process gas wherein at least one of the plurality of separate deposition walls is an inner surface of an outer wall of the system, as stated in claim 11". The Examiner now drops the Dautenhahn reference and newly introduces Arya et al (5,833,888) as the primary reference under the 102(b) rejection of claims 1-5 and 7-20 to show:

Arya et al teach a cleaning device (10) for process gases that is configured to generate clean process gas from contaminated gas (col. 1, lines 7-11) comprising a cleaning chamber (36, col. 4, lines 40-57) including a cleaning liquid (70) configured to clean the contaminated process gas, the cleaning chamber (36) allowing the contaminated process gas to flow therein via a supply line and allowing the cleaned process gas to flow therefrom via a discharge line (col. 6, lines 7-10), and a plurality of deposition walls (see 24 & 28 in Fig.1) having a surface, the surface being configured to receive a film (56) of the cleaning liquid and being configured to be on the inner surface of an outer wall (24 & 28) of the cleaning device (see also Fig. 1, col. 3, line 23 through col. 4, line 11, col. 6, lines 34-54 and line 61 through col. 7, line 8), as claimed.

Applicant's arguments with respect to claims 1-5 and 7-20 have been thoroughly considered but are moot in view of the new ground(s) of rejection, as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH-CHAU T. PHAM whose telephone number is (571)272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Minh-Chau T. Pham/  
Examiner, Art Unit 1797  
June 29, 2009

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